

CLEAN WATER COUNCIL
Meeting Highlights
May 13, 2003

Location:

NJ Environmental Infrastructure Trust, Building 6, Suite 201, 3131 Princeton Pike,
Lawrenceville, NJ.

Attendees:

Pam Goodwin, Kerry Kirk Pflugh, Lou Mason Neely, Russell Furnari, Ferdows Ali, Amy Goldsmith, Todd Kratzer, Dan VanAbs, Pat Pittore, Rick Kropp, Marybeth Koza, Barbara Rich, Ray Zabihach and Ursula Montis, Secretary.

Pat Matarazzo is recovering from a heart attack and bypass surgery so could not chair today's meeting. Pam Goodwin will take his place today.

Public Hearing Update

The Public Hearing held April 16, 2003, at the Holiday Inn, Jamesburg, NJ on "Reclaimed Water for Beneficial Reuse", was well attended.

Pam – The good attendance is a positive thing and shows that we may have hit upon a subject that is ripe for discussion.

Kerry – There were at least 125 people there. There appeared to be more listening than conversation. Those present seemed to be trying to learn more about the subject matter. What was disappointing was the fact that, when the panel discussion ended, the majority of the people left. There were only about eight people who provided testimony. The questions and comments on reuse were not controversial. The nature of the comments were not so much recommendations to the Department as they were encouraging the Department to look further into this issue. The concerns that arose were things like maintaining the base flow, the quality of the effluent and that it is meeting the standards, etc.

Pam – What interest groups were represented?

Kerry – Dan VanAbs commented. Environmental Federation, Stony Brook Watershed, Clean Ocean Action, Ocean Co., Matt Polsky as a private citizen and another private citizen from South Jersey all commented.

Kerry asked Ursula if we had heard back about the transcript and when we would be getting it. Ursula reported that as of today, we had not heard from the agency. After we receive it, we will be able to have the appointed subcommittee go over it and the comments, in order to make recommendations to the Commissioner. Kerry also suggested that we may want to consider doing a presentation of our findings from the Public Hearing in person to the Commissioner and go over the results, as well as send a formal letter to him. Clean Air Council is using this approach.

Pam – We will need to appoint a subcommittee to go over the transcript and comments and to come up with a draft to present to the Council. She volunteered to sit on that subcommittee. She called for volunteers. Russ Furnari and Marybeth Koza volunteered.

DEP UPDATE

Kerry – There was a meeting on April 26th of the lead entities and Watershed Associations with the Commissioner. The Commissioner spoke of his major initiatives and of the role of the stakeholders in the process. The people appreciated the chance to have a dialogue with the Commissioner and ask him questions. It was well attended and was a positive meeting.

Russ Furnari – reported he was surprised to learn that the watersheds in the Lower and Southern Delaware were not functioning. The money vanished and the watersheds just melted away.

Dan VanAbs – commented when he looked at Central Delaware’s meeting schedule, that there were no meetings scheduled. It seems that they are waiting to see what direction the Department will go in the way of funding projects.

Russ Furnari – we have zero funding but our meetings and projects keep going because there is interest there.

Lou Neely – So that means it is locally driven.

Russ – yes.

Lou – What is DEP’s role in scheduling meetings and keeping them active?

Kerry – The message to the PAC’s is that they can continue and we will provide support, but it is not our role to set up the meetings. The difference between what you are seeing in the South and the North maybe that the North have old well established groups that are funded and can keep going without DEP funding. Whereas, many groups in the South are new and not as well funded and need additional support.

Dan VanAbs – I think Cape May is continuing with their meetings but they are focusing on Water Supply as their issue.

Lou Neely – I have heard that Water Allocations is way behind in issuing permits. Kerry, can you give us any idea where they are?

Kerry – I heard they are behind about 2 years.

Lou – Can you request from them how many permits are pending, (can they do it geographically) and what is causing the delay? Who is the head of Water Allocations now? Can this information be sent to us by e-mail so we can discuss it at the next

meeting? I think that the delays in the permits can cause apathy in the watersheds. It stops all sorts of growth and industrial activity.

Russ – There was an issue where they were talking about putting new enforcement actions on water allocation. There seemed to be an underlying message that they are re-evaluating how they are doing water allocations.

Marybeth Koza – From an industrial viewpoint, the backlog of permits impacts the economic growth of the state.

Amy Goldsmith – We should think through the questions before we put them before Water Allocations. The question I would ask is, that in the number of water allocation permits, what is the division between residential, commercial, industrial, golf courses, agriculture and institutions (colleges, schools)? Are we talking about lots of smaller or larger facilities or lots of developments? This information should be in the database (NJEMS).

Lou Neely – We should find out whether the major problems are because of new rules or a new allocation process.

Barbara Rich – Does DRBC get involved with the withdrawals?

Dan VanAbs – Yes, they do.

Barbara Rich – After the exposure that we have had on reuse, I noticed that there is a well permit renewal coming up for a golf course that is within two miles of a Wastewater Treatment Plant (WWTP). The golf course is located in West Hampton on Wood Lane Rd. and is called Deerwood Country Club.

Kerry – I can send an e-mail to Howard Thompkins who is Bureau Chief for Reclamations and let him know about this golf course. I don't know who facilitates those partnerships to happen, but I will try to find out.

Russ – That is one of the comments I made previously. There should be more coordination between Water Supply companies for that particular area and the Treatment Works and the potential customer. Someone is not going to pay for infrastructure that they do not need if they already have water.

Marybeth – The other concern is the major modifications on the wastewater treatment on the NJPDES permit. They are harder to get.

Kerry – I would recommend that the subcommittee that will be working on the comments and transcript, also include ideas and suggestions of their own to the Commissioner, as well. We should not be restricted to only what was provided in testimony. We, as a Council, should put our own thoughts and ideas on paper, too. You are all raising some very good points, so we should convey those to the Commissioner. Even those issues at

conflict should be brought up because the Department should be aware of them so they can be addressed. I will have Ursula put together a package of the comments sent in and send to all of you. That may help you to come up with more ideas and viewpoints to submit with the recommendations to the Commissioner.

Kerry – There is a list for NJ Statewide Water Supply Plan subcommittee meetings that are coming up. The first is this Fri., May 16th at USGS, on Water Conservation and Beneficial Reuse. I will have Ursula get the list of the meetings from Joe Mattle and e-mail them to you.

Dan VanAbs – I have a question in terms of funding 319 projects. Larry Baier had mentioned that there would be \$2 million available from Corporate Business Tax. How will that money be made available? Will it be competitive or what?

Kerry – There has been no discussion on CBT money. We were asked to submit our individual program budget requests and we did. We have yet to have a budget meeting. Larry has been meeting with Ernie Hahn and Dottie Correnti to review what is being allocated to our division. We are supposed to be meeting soon and maybe by then we will know what money we have to spend on outside projects. I don't know what the competitive bid process will be at this time. When I know more I will let you know.

Russ – We were told when looking at the watershed projects to look for those that tie in multiple major initiatives.

Dan VanAbs- Larry Baier does not like the idea of scattering the money so thinly that you do not receive the benefit from it.

Kerry – Larry may come up with things that may be of greater priority. He will probably try to honor the regions.

Barbara Rich – What are some examples of a regional project?

Kerry – Right now there seems to be a great deal of emphasis on stormwater. I suspect that a project would get a lot more attention if they looking at a stormwater regional plan. It would be a big undertaking and a lot of partnerships would have to be established.

Pam – The Commissioner has announced that the “Big Map” is now removed from the website. Can you give us an idea on what is happening with the “Map”?

Kerry – My understanding is that is down from our website. The County meetings are still happening. Everything is on hold right now. I don't know what the status is on whether the colors, (red, green and yellow) will remain or not. I don't know whether they will reexamine how the sensitive areas are going to be protected versus the way it has been proposed up to this point.

Dan – I was at a meeting on Friday, that included Commissioner Lavin, Community Affairs, Secretary Kuperis from Agriculture, and Adam Zelner from Smart Growth. They said that we were headed for a single combined proposal that will come out in November (everything through the State Planning Commissioner). Then they will start setting up a cross acceptance process with the counties and through the municipalities in April 2004. So everything that is happening through DEP is supposed to come through that process.

Kerry – They wanted all the Departments of State to comment on and make a contribution to the concept of the “Map”, so that it would be one map for the whole State.

Pam – Does that mean we would not see proposed regulations out of DEP until April 2004?

Dan – That’s a really good question. There was no one from the DEP at the meeting to ask that question. Some of the regulations could be proposed without the “Map” but others have to be tied to some phase of it.

Marybeth – For those individual persons who commented on issues related to the “Big Map”, will there be responses back to them?

Kerry – I don’t know.

Russ – I don’t think there that there will be a response, because it was not done as an official notice.

Amy Goldsmith – When they issue the formal rule, that’s when they will have to respond. Hopefully they will be reflected in the final rule.

Dan – They are required, when they go through a proposal, to summarize what they learned from it.

Ray Zabihach – I was at a meeting with the Commissioner where he said that the purpose of the “Big Map” was to provide clarity and more information. I then commented that it would serve DEP staff, everyone at the Municipal County and the public’s perspective a lot better if we had DEP layer various environmental data. Having DEP provide everyone with layers of information and then key in certain areas where a lot of environmental layers overlap, (key points that DEP can concentrate on) would be the best way of providing information to everyone. That would enable you to identify quickly where special concerns would be. Thereby they could then look at site- specific criteria as an implement to the regulatory basis. The Commissioner seemed interested in this approach.

Russ – That is exactly the kind of mapping concept that the Passaic River Coalition put together for a study they were doing on well head protection for Morris and Essex

Counties. The areas that had a certain shade of color because of all the layering, were the sensitive areas. They were immediately able to identify them. They were the target areas.

Marybeth – Are there well head protection areas on a map where you can download them?

Dan – Well head protection areas are on a map. I don't think you can download them.

Russ – They are on the website and the layers are available. We have to use them for remediation work.

Lou – There is a lot of activity still taking place with the "Big Map" even though it has no statutory authority compared to the State Plan. There are a number of rules and administrative things the DEP and DCA are doing to give us some statutory teeth.

Ray Zabihach – The "Big Map" is DEP's interpretation of the State Plan map. The mechanism to deal with it can still be implemented using the State Plan. The State Planning Commission needs more environmental information to better inform their designations. I don't think we should have a substitute map, which is the "Big Map", on a policy level. Let the State Plan do that.

Todd Kratzer – Do you see this information coming from the counties? The counties may have more information on environmental characteristics than the State.

Dan – Some counties have better deposit information than the State, but as far as endangered species and well- head protection information, the State is more informed.

Ray – The County Planners had their meeting last Friday and at that meeting there were representatives from Smart Growth. They expect the process of cross acceptance to begin this Fall. They want to get information from all the State agencies, incorporate it and come up with a rough draft of the State Plan map. Then they will give this map to the counties and let them use the information they have to amend the map. They expect to accomplish this in 6 months. I don't feel that time constraint is realistic.

Marybeth – asked about our joint meeting with Clean Air Council. When would that take place?

Kerry – They cannot meet until after September. They are meeting with the Commissioner to present the results from their Public Hearing in July. They don't meet in August, so that leaves September or after.

Lou – Plan it tentatively for September, because if you don't plan it, it won't happen!

Kerry – I wanted to bring up the issue of drinking water security (homeland security) Is this an issue that the Council would like to talk about and perhaps make some recommendations? I have been named to a National panel on Homeland Security and Drinking Water. I'm the risk communicator on the panel. We are trying to come up with recommendations to the EPA for funding in different areas where it relates to water security and water supply. The issues of security, post 911, are greater than they were before.

Lou – I think every purveyor is required to give a risk assessment report to DEP, due on June 30th. There is plenty of data out there, I don't think we could add to it.

Kerry – In the event of a security breach, are there emergency plans in place?

Lou – AWWA website has a lot of good information on that subject.

Pam – I think what Kerry is trying to ask is whether we as a Council want to investigate the existing systems in place and perhaps make recommendations on what more could be done in the event of an emergency.

Dan – I think you would wind up duplicating efforts because there is, in fact, a statewide committee doing just that. Gary Sondermeyer sits on it for the Department. Of course, a lot of what they're dealing with, they are not talking about.

Lou – I don't see a role for us in this. DEP has a checklist. Every purveyor is going through a new evaluation on that whole issue.

Russ – the purveyors that I have talked to, say that it is more of an issue of "catching" something wrong. Increased monitoring is one way of doing it.

Marybeth – I understand that there is a lot of information on security risks on the web. However, the more data we put out there, the more risk we expose ourselves to.

Dan – I know that they are having specific discussions on that subject now.

Russ – We don't have a problem with the major facility information being given to the emergency responders, but you shouldn't be putting up the mapping on the website, so everybody else can see it and target an area.

Pam – I don't know whether the individual homeowner knows how to be prepared. For instance, what would be an adequate supply of bottled water? How would they react to an emergency situation?

Russ – People will react in extreme ways to too much data.

Dan – The next cycle coming is going to be on the non-point source side, the stormwater side, and damage to streams because of stormwater, etc. The general populace does not believe that this cycle for non-point source study will cost as much as it did for point source. What role can the CWC play in terms of understanding the costs and available revenue as well as understanding the methods of collecting these revenues over a period of time? What will it cost us over a twenty year period, what is our shortfall?

Marybeth – Maybe that should be the next topic for our Public Hearing.

Lou – Add your animal feces to it. Everyone seems to be ignoring that problem.

Russ – Maybe we can start looking at getting some presentations from various areas on topics related to that and get ideas on solutions to the problems. Another issue that was raised was combined sewers versus separate sewers. Maybe having combined sewers is not such a bad idea after all. If you do it right and you have enough capacity, you are actually not dumping that into the waterway. As long as you do not have to have the out-fall operate and discharge untreated water at any time, then that may be a more efficient method to use.

Marybeth – DEP has a database on wastewater treatment facilities permit limitations and their flows. The data is there but the problem is getting someone to do the analyses. Maybe as a Council we can find some colleges to join us and do some of the analyses on the data at DEP. That data can then be used for infrastructure.

Dan – Some of that comes back to Smart Growth issues. Any city with a combined sewer overflow situation has no extra capacity for wastewater. What do you do about it? Can you reduce the amount of stormwater that goes into the stormwater systems in the first place as a way of making room for additional sewage? A whole series of interesting ideas can come out of this. Capacity, cost (what sort of money do we need to make it happen) would be a consideration. It would probably take years, but the CWC could make a significant contribution to this whole discussion by focusing on this issue.

Amy – There is going to be a revamping of the Environmental Infrastructure Trust. They are talking about putting some money aside to do grants. Maybe there are certain pilots that we think should be done because that would give us a learning tool. Maybe there would be some of us who could focus on that. We could form a subcommittee to do that. However, we still do not have the list of names of our Council members or our technical subcommittee members so we can pull from these and form our committees.

Kerry – We have sent the list of names to the Governor's office months ago and still have not heard back from them. So, as a result, there are people coming to the CWC meetings that are not officially appointed.

Amy – If we wanted to have subcommittees, we should form them amongst ourselves. I would even be comfortable with that.

Kerry – From what I am hearing, I believe the Council needs a work plan. There are topics you want to pursue, so what we should do is formalize a work plan saying, for instance, that for the next year or two, these are the topics you want to work on. The people on these subcommittees would then on a monthly or quarterly basis, report their findings to the Council. Then the Council can make their recommendations to the Department. I will look at the minutes from today's meeting and prepare a worksheet, similar to a work plan and list the topics that you have identified. We can then figure out what kind of activities we want to pursue relative to those topics. Should we as a Council, and I don't know if this is even allowed, pursue funding to do research on a certain thing?

Dan – Does anyone know when the Statewide Water Quality Management Plan was last written? The last version was written in 1985. I don't know if anyone has actually seen the Statewide WQMP. The Water Supply Advisory Council is fortunate. It has a law that says that you shall have a Statewide Water Supply Plan and you shall involve the Water Supply Advisory Council in the development of it, and so it happens. The Statewide Water Quality Management Plan could be the thing that this Clean Water Council hooks to, to deal with all these kinds of topics we've been discussing. I think the Department could benefit from having these topics looked at. Maybe we could put together as similarly intense a look at clean water as they are giving to water supply.

Pam – Is that Plan subject to revision at any time?

Dan – I don't think there is anything in the law that says how frequently it has to be revised, which is different from the Water Supply Plan that says it has to be revised every five years. Basically, the Rules have set aside the Plan. Everybody is focusing on the Rules.

Marybeth – Could we see what's in the Plan?

Kerry- I will see if I can locate it between now and the next meeting so we can look at it.

Dan – Call Bill Minervini with Barry Chalofsky's group, he should have it.

Amy – We should be thinking of, and working on topics that are current with the Department or at least links to something current that's going on.

Kerry – The Department is in the process of potentially updating our Rule. I don't know the time frame for that. To the extent that might link it to an updated Plan, it might be timely.

Dan – The Department will probably want to look at a lot of issues after it gets through all the massive material preparing for the Rule, but have no time for it now. It would be nice for them to know that there was a group out there prepping these issues for them.

Amy – We don't want to waste our time on things that the Commissioner does not think are relevant.

Kerry – Based on that thought, it might be a good idea for us to think about these topics between now and the Fall. Then we can meet with the Commissioner and propose the topics that the Council will pursue for the Department while they are in the process of finalizing their Rule. We can see what he says about them. That would make the work more meaningful.

Marybeth – I think it is a good idea. It would give us more of an ability to voice things.

Dan – Years ago, the Council used to get Assistant Director level representation from more than just planning, the Division of Water Quality was there. They had things to talk about. I would like to see Clean Water Council build back up to the point where it commands that sort of involvement.

Pam – Amy put her finger on the fact that we currently have a Commissioner that has a strong will and a strong vision. Water is one of the primary focuses of his vision. Until he gets his own program in place, I don't think he is looking to have a strong CWC in place.

Ferdows Ali – As a layman member of the Council, my vision is that the Council would look into the health of the water as a whole in the State, ground water and surface water. Where are the impairments, do we know? And if there are impairments, what are the programs in place to restore them to the quality that is necessary. And if those programs are not adequate, is there anything we can recommend to get them up to speed? What does the Water Pollution Control Act do? Do we all know? If not, is it necessary for us to have some kind of training in these rules and regulations? The TMDL people are doing a lot of work. Do we know what it is they are doing and can we have a monthly update? What is the action going on from the Water Quality front, primarily enforcement action? How much are they getting from penalties and where is the money going? We need some kind of an overview of the whole program. If you are looking for a plan, maybe some of these things can be laid out in a structured fashion. In this way we can have a handle on questions that may come up. The Commissioner may have his own priorities on what programs we can advise him on, but if there is something beyond his programs, that are on a proactive basis, we can still make our recommendations.

.

Kerry – Are you looking for an explanation on how the various programs are working together to achieve water quality?

Ferdows Ali – I think we need to have the current status of what is going on to protect and restore the water quality.

Pam – We should suggest to Pat Matarazzo that our next meeting Agenda include an outline for a work plan of all the topics we have discussed today, and the possible subcommittees that may arise from all the suggestions made. At the next meeting, we will have to be prepared to volunteer for these subcommittees. These subcommittees will have to form and meet and create a vision for themselves as deliverables.

Pam called for motion to adjourn the meeting. Russ made the motion, Ray seconded it. Meeting adjourned.

